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Paper No. 11

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In re Application of
David A. Ferrera, Daniel Kurz, Peter Wilson,
Crystal Sein-Lwin, Lok A. Lei, and Joseph A.
Horton
Application No. 09/590,794
Filed: June 8, 2000
Attorney Docket No. MICRU:54769
Title: THREE DIMENSIONAL, LOW
FRICTION COIL, AND METHOD OF
MANUFACTURE

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OFFICE OF PETITIONS

DECISION AFFORDING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the renewed petition under 37 C.F.R. 1.47(a)¹, filed September 10, 2001.

The renewed petition under 37 C.F.R. §1.47(a) is **GRANTED**.

The above-identified application was filed on June 8, 2000, without an executed oath or declaration, and naming the above identified individuals as joint inventors. On August 28, 2000, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

² The renewed petition contains a certificate of mailing dated September 5, 2001.

"Granted" (Notice), requiring an executed oath or declaration in compliance with §1.63 and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the original petition, received in the Office on January 30, 2001. The original petition was dismissed for failure to establish that the non-signing inventor was presented with a copy of the entire application. This decision was mailed on July 3, 2001.

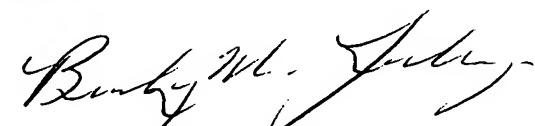
With the instant petition, the petitioner has submitted a declaration of David G. Parkhurst, who has first-hand knowledge that a complete copy of the application was sent to the non-signing inventor at his last known address. Furthermore, the petitioner has included a copy of the certified mail receipt.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy